

Message

From: Harrington, Jim (DEC) [jim.harrington@dec.ny.gov]
Sent: 5/3/2016 1:52:56 PM
To: Garbarini, Doug [Garbarini.Doug@epa.gov]
CC: Swartwout, John (DEC) [john.swartwout@dec.ny.gov]; Mannino, Pietro [Mannino.Pietro@epa.gov]
Subject: RE: Northrop-Grumman and U.S. Dept. of Navy Toxic Plumes - letter to DEC Commissioner from LI Clean Air Water and Soil

Not yet – drafting a reply is on my list of things to do. When something goes out I'll try to make sure that you get a copy but given the cc's it will have a high level review which means not fast. Jim H

James B Harrington, PE
Director, Remedial Bureau A
Division of Environmental Remediation
518 -402-9624

Please note my new email address
Jim.Harrington@dec.ny.gov

From: Garbarini, Doug [mailto:Garbarini.Doug@epa.gov]
Sent: Tuesday, May 03, 2016 9:49 AM
To: Harrington, Jim (DEC)
Cc: Swartwout, John (DEC); Mannino, Pietro
Subject: FW: Northrop-Grumman and U.S. Dept. of Navy Toxic Plumes - letter to DEC Commissioner from LI Clean Air Water and Soil

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Hi Jim

Did you guys reply to this letter?

If so, could you forward a copy of your response?

Thanks

From: Claudia Borecky <claudia@licaws.com>
Date: April 21, 2016 at 9:32:43 AM EDT
To: Enck.judith@Epa.gov
Subject: Northrop-Grumman and U.S. Dept. of Navy Toxic Plumes
Reply-To: claudia@licaws.com



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516-972-6988

April 21, 2016

Commissioner Basil Seggos
NYS Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

RE: The Northrop-Grumman and U.S. Dept. of Navy Toxic Plumes

Dear Commissioner Seggos:

LI Clean Air Water and Soil, Ltd. ("CAWS"), a recently formed not-for-profit corporation, writes to request that the NYS Dept. of Environmental Conservation ("DEC") immediately take over the cleanup of the contamination originating at the Bethpage Grumman site (the "site") utilizing Superfund monies and take legal action against Northrop Grumman Systems Corp. (NG) to recover all state costs.

This request follows your March 17, 2016 letter to NG, wherein you refer to the DEC's March 2013 adoption of a remedy for contamination at the site, the May 2014 Consent Order ("Order") for NG to conduct a pre-design study of the remedy and the necessity that NG implement the remedy immediately to protect public health and the environment. Your March 17, 2016 letter demands immediate action, including pumping of wells to achieve removal goals, engineering detail, and a work plan to address trichloroethene ("TCE") hotspots and to maximize removal of contaminants therefrom. Then, your letter closes by stating that "if NG does not agree [within two weeks] to implement an expedited remediation schedule, the state will perform the cleanup with Superfund monies and take legal action against NG to recover all state costs." Upon information, it is now over a month and NG has not agreed, but,

instead, has once again utilized this process to delay delineation, containment and remediation of contamination emanating from the site.

CAWS requests that the DEC follow through on its threat and fulfill its obligation to protect the public health and the environment. Decades of correspondence and endless back and forth between the responsible parties and regulatory agencies allowed the contamination to spread while achieving no real delineation, containment and remediation of contaminants emanating from the site.

CAWS believes that the contamination emanating from this site is a critical threat to Long Island's sole source aquifer, drinking water supplies, groundwater and the Great South Bay. Yet, for over 70 years, the handling, or rather mishandling, of the cleanup of the contamination emanating for this site is a classic example of abusing the regulatory process, failing to require real action from the responsible parties, and failing to protect the public health and the environment. For decades, the DEC, EPA, NG and Dept. of Navy wrote letters back and forth; exchanged proposals, proposed investigations, reinvestigations, studies and designs; entered consent orders, records on decision and submitted various work plans, which were never implemented; and set, extended, delayed and, ultimately, never met deadlines. Certainly, NG ignored any past warning or threat by the DEC. The undeniable result of this failure to act is that the contamination has not been delineated, contained or remediated. Instead, the plumes migrated and expanded over several miles -- more than quadrupling in size since 1987. Indeed, sources of the continuing contamination continue to be discovered and have never been fully identified.

At present, at least three contaminant plumes impact or threaten over 35 public supply wells within the Massapequa, Bethpage and South Farmingdale Water Districts as well as those owned by a private water company, LI American Water. Local water districts report that ground water in the vicinity of these supply wells indicate that additional wells will be contaminated within the next few years. While the Navy, under its consent order, is moving forward with investigation and hot spot remediation of one of the plumes, its time table of 2022 for startup of a remediation system is too long. Meanwhile, NG made virtually no progress at all. Indeed, the latest remedial action plan that was the subject of your March 17, 2016 letter is just the latest in an endless stream of plans, which do not even contemplate treating all of the contamination, let alone assure full containment and remediation of the contamination.

CAWS urges that any treatment plan be aggressive and remediate 100% of the contamination. The DEC must take over the cleanup from NG and then coordinate with the Navy to ensure all contamination is remediated on a far more expedited basis than currently contemplated.

Clearly, the EPA, DEC, Navy, NG and public do not know the extent of migration of contamination. The lack of coordination (for example, the Navy even states that contamination continues to bypass NG's 'containment' system) is startling. Without proper delineation, which requires extensive testing and monitoring, proper containment and treatment will never be achieved. Sources of continuing contamination must be identified and removed. A complete and aggressive monitoring and testing plan must be implemented immediately. Ultimately, upfront work and costs save additional expenses and problems in the future. CAWS urges that, after decades, the DEC take over the remediation from NG, using its contractor or one of the water district's local contractors to coordinate with the Navy's contractors and take the following action:

1. The DEC takes over the NG project utilizing the Superfund monies.
2. Within 30 days, the DEC meets with stakeholders to delineate the extent of the contamination or, if delineation is still not possible, to establish an investigation plan to allow delineation within 60 days.
3. After delineation, meet with stakeholders to discuss a containment and remedial action plan to be adopted within 60 days of such meeting which will coordinate with the Navy's remedial action plan.
4. Commence implementation of the containment and remedial action plan for the NG contamination by September 2016.
5. Significantly expedite the Navy's current timetable so that its remediation startup is no later than second quarter 2018.

The primary responsible parties, including NG and the Navy, should be held responsible for the cleanup costs. As you note in your March 17, 2016 letter, the DEC can perform NG's cleanup with Superfund monies and seek indemnification for all direct and indirect costs from the responsible parties. CAWS respectfully submits that this should have been done decades ago. As the responsible parties never invested or expended the funds necessary to identify and remove the sources of continuing contamination, or to properly delineate, contain and remediate the contamination, it must be done now. Please do it!

Thank you for your anticipated courtesy and cooperation. Please advise as to the DEC's decision on taking over the cleanup from NG as threatened in its March 17, 2016 letter.

Very truly yours,

Claudia Borecky Donald Davidson Dave Denenberg

Directors
LI Clean Air Water and Soil, Ltd.

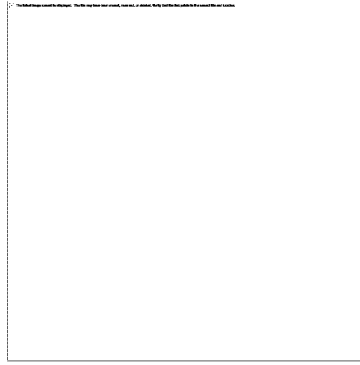
Cc: Governor Andrew M. Cuomo
Long Island NYS Senate Delegation
Long Island NYS Assembly Delegation
United States Navy
Regional Director Judith A. Enck, U.S. Environmental Protection Agency
President Wesley G. Bush, Northrop Grumman Corporation

LI Clean Water Air and Soil, Ltd., P.O. Box 500, Merrick, NY 11566

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